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Attorneys for the Arizona State Board of Pharmacy

9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

Board Case No. 16-0019-PHR

11 **LUTHER PETERSON**

**CONSENT AGREEMENT
FOR CONTINUING EDUCATION**

12 Holder of License No. T042123
13 As a Pharmacy Technician
14 In the State of Arizona

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16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Luther Peterson.
19 ("Respondent"), holder of Pharmacy Technician License T042123 in the State of
20 Arizona, and the Board enter into the following Recitals, Findings of Fact, Conclusions
21 of Law and Order ("Consent Agreement") as a final disposition of this matter.
22

23 **RECITALS**

24 1. Respondent has read and understands this Consent Agreement and has had
25 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
26 opportunity to discuss this Consent Agreement with an attorney.

1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning this matter at which hearing he could present evidence and cross
3 examine witnesses. By entering into this Consent Agreement, Respondent knowingly
4 and voluntarily relinquishes all right to such an administrative hearing, as well as rights
5 of rehearing, review, reconsideration, appeal, judicial review or any other administrative
6 and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 complaint number 4482 involving allegations of unprofessional conduct against
13 Respondent. The investigation into these allegations against Respondent shall be
14 concluded upon the Board's adoption of this Consent Agreement and Respondent's
15 compliance with the same.

16 6. Respondent understands that this Consent Agreement does not constitute a
17 dismissal or resolution of any other matters currently pending before the Board, if any,
18 and does not constitute any waiver, express or implied, of the Board's statutory authority
19 or jurisdiction regarding any other pending or future investigation, action or proceeding.

20 7. Respondent also understands that acceptance of this Consent Agreement
21 does not preclude any other agency, subdivision, or officer of this State from instituting
22 any other civil or criminal proceedings with respect to the conduct that is the subject of
23 this Consent Agreement.

24 8. Respondent acknowledges and agrees that, upon signing this Consent
25 Agreement and returning this document to the Board's Executive Director, he may not
26

1 revoke his acceptance of the Consent Agreement or make any modifications to the
2 document regardless of whether the Consent Agreement has been signed by the
3 Executive Director. Any modification to this original document is ineffective and void
4 unless mutually agreed by the parties in writing.

5 9. This Consent Agreement is subject to the approval of the Board and is
6 effective only when accepted by the Board and signed by the Executive Director. In the
7 event that the Board does not approve this Consent Agreement, it is withdrawn and shall
8 be of no evidentiary value and shall not be relied upon nor introduced in any action by
9 any party, except that the parties agree that should the Board reject this Consent
10 Agreement and this case proceeds to hearing, Respondent shall assert no claim that the
11 Board was prejudiced by its review and discussion of this document or any records
12 relating thereto.

13 10. If a court of competent jurisdiction rules that any part of this Consent
14 Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement
15 shall remain in full force and effect.

16 11. Respondent understands that this Consent Agreement is a public record that
17 may be publicly disseminated as a formal action of the Board and may be reported as
18 required by law to the National Practitioner Data Bank and the Healthcare Integrity and
19 Protection Data Bank.

20 12. Respondent understands that any violation of this Consent Agreement
21 constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-
22 1901.01(C)(16), -1927.01(A) (1).

23 13. Respondent agrees that the Board will adopt the following Findings of Fact,
24 Conclusions of Law and Order.

1 ACCEPTED AND AGREED BY RESPONDENT

2 
3 Luther Peterson
4 Certified Pharmacy Technician

Dated: 11/7/16



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6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for licensing and regulating the
8 practice of pharmacy in the State of Arizona.

9 2. Respondent is the holder of license number T042123 to practice as a
10 Pharmacy Technician in the State of Arizona.

11 3. During all relevant times to these findings, Respondent was employed as a
12 pharmacy technician by Arizona Senior Care Pharmacy (now PharmCare USA) located
13 at 2727 W. Baseline Rd., Tempe, AZ 85283.

14 4. The complaint was filed by Pat Greenquist, State Licensing Surveyor,
15 Bureau of Residential Licensing, Arizona Department of Health Services, alleging that an
16 assisted living resident A.W., was hospitalized twice after receiving the wrong
17 medication in a prepackaged medication strip provided by Arizona Senior Care
18 Pharmacy.

19 5. A.W.'s prescription was for Ropinirole 1mg but she was dispensed
20 Risperidone 1mg.
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6. Specifically, Respondent filled the automation packaging tablet cassette labeled Ropinirole 1mg with Risperidone 1 mg. Ropinirole is used to treat Parkinson's Disease or restless leg syndrome while Risperidone is an antipsychotic.

7. A Pharmacist must verify the refilling of automation cassettes and sign the cassette refill log. However, during the investigation, it was determined that the technician had written the initials of a pharmacist on the log as if the pharmacist had verified the refill. The pharmacist asserts that she had not written her initials and the technician admitted he wrote the initials after verification not realizing the pharmacist was required to place his/her own initials in the log. It is unclear if a pharmacist performed the verification function.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter and over Respondent pursuant to A.R.S. § 32-1901 *et seq.*

2. The Board may discipline a pharmacy technician who has engaged in unprofessional conduct. A.R.S. § 32-1927.01(A) (1).

3. The conduct and circumstances described above constitute a violation of Arizona Administrative Code R4-23-1104(C), which provides that “ When performing the activities listed in subsections (A) and (B) for which the pharmacy technician or pharmacy technician trainee has been trained, the pharmacy technician or pharmacy technician trainee shall perform those functions accurately.”

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ORDER

Based upon the above Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED THAT:

1. Respondent shall successfully complete and provide proof of successful completion to the Board of eight (8) contact hours (0.8 C.E.U.) of American Council on Pharmaceutical Education course(s) on the topic of **patient safety**. The required course(s) must be completed within **six (6) months** of the effective date on this Order.
2. The effective date of the Order is the date it is signed by the Board's Executive Director.
3. Respondent shall pay all costs associated with complying with this Consent Agreement.
4. If Respondent violates this Order in any way or fails to fulfill the requirements of this Order, the Board, after giving the Respondent notice and the opportunity to be heard, may revoke, suspend or take other disciplinary actions against Respondent's license. The issue at such a hearing will be limited solely to whether this Order has been violated.

DATED this 21st day of November, 2016.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By:


Kamlesh Gandhi, PharmD..
Executive Director

1 ORIGINAL OF THE FOREGOING FILED
this 21st day of November, 2016, with:

2 Arizona State Board of Pharmacy
1616 W. Adams Street
3 Phoenix, Arizona 85007

4 COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
5 this 21st day of November, 2016,

6 Luther Peterson
449 W. Nopal Ave.
7 Mesa, AZ 85210

8
9 COPY OF THE FOREGOING MAILED
this 21st day of November, 2016, to:

10 Jeanne M. Galvin
Assistant Attorney General
11 1275 W. Washington Street, SGD/LES
Phoenix, Arizona 85007
12 Attorney for the Board

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14 _____
Doc # 5169318
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